

REMARKS

In accordance with this Restriction Requirement, Applicants provisionally elect to prosecute the claims of Group I, *i.e.*, claims 1-6. For the reasons set forth below, this election is made with traverse.

In imposing the restriction requirement, the Examiner states that the invention of Group I (claims 1-6) and those of Group II (claims 7-16) are unrelated. The Examiner goes on to state that inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions or different effects. The Examiner goes on to state that the different inventions are a process of making a microstructured tool and a process of using the microstructured tool for injection molding a part.

A restriction requirement under 35 U.S.C. §121 requires that independent and distinct inventions are claimed in one application. Examiner has cited §806.04 and §808.01 of the MPEP to support his restriction requirement. Applicant believes that reliance on these sections is misplaced as, under these sections, the two inventions must be independent for a proper restriction requirement. And, for inventions to be independent, the different inventions must not be disclosed as not being capable of use together. In applicant's invention, the contrary is true. Independent claim 1 is directed to a process for making a microstructured insert which, as recited in claim 1, is used for injection molding a plastic part. Independent claim 7 is directed to injection molding a plastic part using the microstructured insert. Moreover, the steps of claim 1 are repeated substantially, word for word, in step 1 of claim 7. Moreover, as amended herein, step (a) of claim 7 has amended to exactly recite steps (a) thru (k) of claim 1. Accordingly, claim 7 can not be practiced without using claim 1, and the inventions of

Group I and II are not believed independent. Further, applicant also believe that the Examiner has not shown that the claims of Group I and Group II are not distinct as set forth in MPEP §806.05(c)

For the reasons cited above, Applicants respectfully submit that restriction is improper and look forward to having all claims considered on the merits.

Correspondence and Fees

No fees are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 03-3839 for any underpayment, or to credit any overpayments.

Please address all correspondence to Intellectual Property Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5497. Telephone calls should be made to David R. Padnes at (973) 596-4671 and fax communications should be sent directly to him at (973) 639-8335.

Respectfully submitted,



David R. Padnes
Registration No. 28,384
Attorney for Applicant

Gibbons, Del Deo, Dolan,
Griffinger & Vecchione
One Riverfront Plaza
Newark, New Jersey 07102-5497